

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MARCH 1, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Linda Steinman
Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,
FEBRUARY 22, 2001**

MOTION: Hudkins moved and Heier seconded approval of the Staff Meeting minutes of February 22, 2001.

Hudkins asked that his statement on Page 2, Paragraph 2 be amended to read:

Hudkins said he believes that is the only way it will get done, but would prefer that the issue be settled before negotiations.

ON CALL: Heier, Workman and Hudkins voted aye. Steinman and Campbell abstained from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Appointment of Cori Beattie, County Board Administrative Secretary, to the Safety Committee

MOTION: Hudkins moved and Heier seconded approval of the addition to the agenda. Hudkins, Heier, Steinman, Workman and Campbell voted aye. Motion carried.

ADDITIONS TO THE AGENDA

- A. Appointment of Cori Beattie, County Board Administrative Secretary, to the Safety Committee

MOTION: Steinman moved and Workman seconded approval. Steinman, Workman, Hudkins, Heier and Campbell voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- O Judiciary Committee heard LB 595 (changes provisions for pre-adjudication and post-adjudication costs associated with juveniles). He said Senator Thompson has requested that the bill be held and used as a vehicle for legislation if a compromise on LB 640 (renames grants and provides for a county aid program under the Juvenile Services Act) can not be reached.
- O Health and Human Services Committee and Appropriations Committee continue to meet regarding distribution of the Health Trust Fund. The committees are working on amendment that will be amended into LB 692 (provides for funding of the Nebraska Lifespan Respite Services Program under the Nebraska Health Care Funding Act). This amendment includes a provision to help fund emergency protective care.
- O Discussions continue with the Governor's staff on LB 652 (changes provisions relating to detention and evaluation costs for juveniles). Kissel noted that the State has been dissuaded from trying to attach the bill onto LB 640.
- O Nebraska Association of County Officials (NACO) is taking the lead in opposing LB 161 (changes amounts recoverable under the Political Subdivisions Tort Claims Act) and LB 355 (changes limitation of action provisions under the Political Subdivisions Tort Claims Act).
- O Revenue Committee heard Inheritance Tax bills - LB 28 (changes an exemption amount subject to inheritance tax and creates the County Inheritance Tax Replacement Fund), LB 266 (provides termination dates for the inheritance, estate, and generation-skipping transfer taxes) and LB 725 (changes the distribution of estate tax revenue and changes the exempt amount for inheritance tax purposes) on February 28th.

Eagan distributed copies of *Inheritance Taxes Collected by Counties for 1992/93 through 1999/00* (Exhibit B).

Shelley Sahling, Lincoln Electric System (LES) appeared and reviewed LB 827 (provides for the sale or lease of dark fiber by governmental entities) and *LB 827, Summary of Committee Amendment* (Exhibit C). She noted that the bill would create the Nebraska Internet Enhancement Fund (NIEF) with the goal of providing financial assistance to install and deliver broadband, or other advanced telecommunications infrastructure and services, throughout the State. The NIEF would receive the difference between actual costs, established by the Public Service Commission, and dark fiber lease rates. Sahling predicted that the NIEF fund would essentially remain empty as LES and the Nebraska Public Power District (NPPD), which hold most of the publicly owned fiber in the State, are not likely to lease their dark fiber under the restrictions this legislation provides. She said LES would also be reluctant to sell their dark fiber, as it resides within LES' electrical wires.

Sahling noted that The Gallup Organization cited inadequate telecommunications as a factor for looking outside of Lincoln and would like to have redundancy (backup) for their existing facility in Lincoln. Cabela's is also seeking redundancy, through dual primary service.

Steinman asked whether the State could also access NIEF for its technology purposes.

Sahling said no, not as the bill is currently written.

Hudkins asked whether LES could provide redundancy to 911/Emergency Communications.

Sahling said LES has fiber in close proximity to the Highlands Substation. She added that the Mayor has asked LES to be involved in long-range discussions of the system.

MOTION: Steinman moved and Heier seconded to join with the City in opposing LB 827 and to have Gordon Kissel, Legislative Consultant, lobby that position. Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

4 ASSESSMENT CENTER MASTER PLAN - Gus Hitz, Assessment Center Director; Mark Martin, Consultant

Gus Hitz, Assessment Center Director, reviewed the following documents (Exhibit D):

- O A list of Planning Team members
- O *Families First and Foremost, Lancaster County Assessment Center, Development and Implementation Work Plan*
- O *Lancaster County Assessment Center, Project Development Action Plan*
- O *Lancaster County Assessment Center, Project Development Decision Matrix*

In response to a question from Hudkins, Hitz said he anticipates that 80-90% of the Assessment Center's first year operating budget will be covered by the Families First & Foremost (F³) Grant, with some carry over into year two.

Hitz noted that the addition of a pay window on the non-secure side of the Assessment Center has been raised in recent discussions with the Lancaster County Juvenile Detention Center Director and Deputy Director.

Mark Martin, Consultant, said the pay window would benefit both facilities in terms of controlling flow and security.

Steinman said the Assessment Center may evolve into other venues, such as mobile crisis or another location within the community that families can access.

Workman asked for clarification on the timeline for identifying Assessment Center space requirements.

Heier said "I want to know why we're not further along in the process".

Martin said he is confident that the facility will open on schedule in January, 2001.

Heier asked Martin whether he envisions the Assessment Center as being a separate agency from detention.

Martin said that issue is scheduled to be decided the end of March.

Hitz noted there are a number of factors to consider. He said the Conveners Group has proposed formation of a joint public agency to sustain F³, which could impact the direction of the Assessment Center. The Lincoln Public Schools have also expressed interest in partnering with the Assessment Center.

Hitz said he testified last week before the Nebraska Legislature's Revenue Committee in support of LB 792 (changes the cigarette tax rate and revenue distribution provisions).

The Board asked Hitz to draft a letter of support from the County Board.

Eagan distributed copies of a memorandum from Kathleen Kelley, Douglas County Administrator, regarding amendments to LB 640 (renames grants and provides for a county aid program under the Juvenile Services Act) (Exhibit E).

5 COUNTY ZONING VIOLATION AT LEAFORD BURNETT PROPERTY -
Mike Merwick, Building & Safety Director; Mel Goddard, Building & Safety;
Mike Thew, Chief Deputy County Attorney; Kent Seacrest and Andy
Strautman, Attorneys Representing Leaford Burnett

Mike Merwick, Building & Safety Director, said his department recently learned that Leaford Burnett is operating a commercial business on Agricultural (AG) zoned property at North 14th Street and Rock Creek Road. Burnett was notified that he needs to remove a building, which houses a metal fabrication shop.

Mel Goddard, Building & Safety, said Burnett's attorneys have asked for a longer extension than is typically granted for this type of violation.

Merwick explained that the building houses a giant crane which will be difficult to move.

Kent Seacrest, attorney representing Leaford Burnett, explained that his client had believed he was in compliance when he constructed the building. When he realized he was not, he attempted to come clean about the zoning violation but the violation was discovered by the Building & Safety Department before he could do so. Seacrest said his client is seeking a 9-12 month extension to allow for time to re-zone another piece of land and to construct a new building.

Seacrest distributed copies of the following documents (Exhibits F & G):

- O *The Fab Shop, Inc., Payroll Summary, January through December, 2000*
- O *Nebraska Personal Property Return for The Fab Shop, Inc., Tax Year 2001, Schedule "A"*
- O *Lancaster County Assessment Notice for Qualifying Agricultural and Horticultural Land, Tax Year 1999 for Leaford W. Burnett*
- O *Lancaster County Assessment Notice for Qualifying Agricultural and Horticultural Land, Tax Year 2000 for Leaford W. Burnett*

- O A copy of an application for State Electrical Inspection for The Fab Shop, dated October 7, 1999
- O A copy of Wiring Permit #129067 issued to TJ's Electric for The Fab Shop

In response to a question from Heier, Goddard said it has not yet been determined whether the structure meets commercial or agricultural loading standards.

Hudkins said a number of farmers do piece work during winter months and said perhaps the County needs a provision for light industry in rural areas.

Workman concurred, adding "New Urbanism" proposes a mix of businesses with residential.

Campbell said this is not a "cottage industry" and is not what is being proposed in "New Urbanism". She stressed that manufacturing does not fit in Agricultural (AG) and Agricultural Residential (AGR) zoned areas.

Steinman voiced concern that there are a number of businesses operating surreptitiously in the County and said this could set a dangerous precedent.

Merwick reported that several similar zoning violations were discovered last year and shut down.

Heier expressed frustration that the County has been unable to effectively deal with a zoning violation on 1st and McKelvie.

Mike Thew, Chief Deputy County Attorney, stated that the County Board currently lacks authority under the County Zoning Regulations to grant such an extension and said the Planning Department needs to be involved in discussion of alternatives.

PENDING LITIGATION - Mike Thew, Chief Deputy County Attorney

MOTION: Workman moved and Heier seconded to enter Executive Session at 10:07 a.m. for discussion of pending litigation. Workman, Heier, Hudkins and Campbell voted aye. Steinman was absent from voting. Motion carried.

MOTION: Heier moved and Workman seconded to exit Executive Session at 10:17 a.m. Heier, Workman, Hudkins, Steinman and Campbell voted aye. Motion carried.

RETURNING TO ITEM 5

Norm Agena, County Assessor, appeared and said he will assess whether to recapture the land value on the Leaford Burnett's property, due to the change in use.

6 GOVERNMENT PROPERTIES - Norm Agena, County Assessor; Mike Thew, Chief Deputy County Attorney

Norm Agena, County Assessor, said 363 exempt notices were mailed on February 28th to those governmental subdivisions that own property used by another entity. He said his staff would like to interview each governmental subdivision in an attempt to determine whether the property is being used for an educational purpose. If the use is determined to be exempt, a hearing before the Board of Equalization will be waived. Agena said he would prefer that hearings before the Board of Equalization on these exemptions would be strictly for the purpose of gathering information, with action deferred until there is review by the County Attorney's Office.

Mike Thew, Chief Deputy County Attorney, said the legislation (passed in 1999 and effective January, 2001) requires the counties to start over in determining exemption. He said those receiving notices are being asked to "please come in and help us" by presenting pertinent facts.

In response to a question from Workman, Thew said the Lancaster County Agricultural Society did not receive a notice for the Event Center, as it meets the definition of governmental purpose.

Agena explained that those who wish to protest will be asked to complete a protest form and exempt application. Late filing penalties will only be assessed to those governmental subdivisions who successfully appeal to Tax Equalization and Review Commission (TERC). He said governmental subdivisions may also negotiate and pay an in lieu of tax.

7 PENDING LITIGATION

Item moved forward on the agenda.

8 ACTION ITEMS

A. Committee Assignments

The Board reviewed the list of committee assignments (see agenda packet) and asked that action be scheduled on the Tuesday, March 6th County Board of Commissioners Meeting agenda.

B. Request Change of Zone for Election Commissioner Property at 601 North 46th Street

MOTION: Steinman moved and Heier seconded to authorize Kerry Eagan, Chief Administrative Officer, to proceed with a change of zone request for the Election Commissioner property. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

9 CONSENT ITEMS

A. Request from Doug Ahlberg, Emergency Management Director, to Attend Weapons of Mass Destruction Grant Training Session in Washington D.C., March 6-7, 2001 (All Expenses Reimbursed by Federal Government)

B. Request from Larry Van Hunnik, Lancaster Manor Administrator, to Attend National Health Care Association Meeting in Chicago, Illinois on March 22, 2001

MOTION: Steinman moved and Heier seconded approval of the Consent Items. Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

10 ADMINISTRATIVE OFFICER REPORT

A. Families First & Foremost (F³) Identification Badges

MOTION: Heier moved and Hudkins seconded to authorize Dave Johnson, Deputy County Attorney, to proceed with identification badges for those associated with the Families First & Foremost (F³) Grant project. Heier, Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

B. Homestead Heritage Trail Meeting

Eagan distributed copies *Homestead Conservation and Trails Coalition, Planning Team Meeting Report* dated February 23, 2001 (Exhibit H).

C. City Parks Forum

Campbell read aloud a memorandum received from Lynn Johnson, Parks & Recreation Director, which states Lincoln has been invited to present a local "problem" for discussion at the City Parks Forum in Louisville, Kentucky, April 5-7, 2001 (Exhibit I). Each participating community receives a grant of approximately \$30,000 to apply to the problem/project. Johnson has proposed that the presentation relate to developing a strategy for land conservation in Lincoln and Lancaster County and that the grant money be used to fund a study by the Trust for Public Lands. Johnson also suggested participation by the County.

MOTION: Hudkins moved and Steinman seconded to participate with the City in the City Parks Forum and to send Kerry Eagan, Chief Administrative Officer, to represent the County, with Kathy Campbell, Chair, serving as alternate. Hudkins, Steinman, Heier, Workman and Campbell voted aye. Motion carried.

D. Mid-Year Budget Retreat Agenda

The Board reviewed the Mid-Year Budget Retreat agenda (see agenda packet).

Board consensus to schedule a separate work session with Don Thomas, County Engineer.

E. Keno Fund Grant Recommendations

The Board reviewed the Keno Fund grant recommendations (see agenda packet) and asked that action be scheduled on the Tuesday, March 6th County Board of Commissioners Meeting agenda.

11 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lancaster County Fairgrounds Joint Public Agency - Heier, Workman

Workman reported payment of \$475,000 in expenditures, leaving a balance of \$1.9 million.

In response to a question from Hudkins, Workman said part of the asphaltting costs are paid.

B. Board of Health - Hudkins

Hudkins said a budget meeting was held February 24th and the Board of Health was unable to identify any surplus funds to meet a request from the Lincoln Area Agency on Aging.

Hudkins also stated that nominations for the Board of Health are needed. The Board suggested representation from the kennel business or veterinarians.

C. Families First & Foremost (F³) Conveners - Steinman

Steinman said the following topics were discussed:

- Decision making process
- Office of Juvenile Services (OJS) evaluations
- Formation of a task force to look at the issues raised by Region V
- Suggestion to form a joint public agency for F³
- Decision to join Region III in pursuing funding

Hudkins questioned F³'s rental of office space on 9th Street, noting that the City and County have space available.

D. Visitors Promotion Committee - Steinman

Steinman said Mark Essman, Lincoln Convention & Visitors Bureau Director, has been asked to provide comparative budgets for the current and previous year. She said the Visitors Promotion Committee made recommendations on grant requests, which will be forwarded to the County Board.

Hudkins asked Steinman to follow-up with Essman on efforts to bring the Nebraska Association of County Officials (NACO) convention to Lincoln.

E. Area 5 Agricultural and Horticultural Land Valuation Board (AHLVB) - Hudkins

Hudkins said Lancaster County's agricultural land values are low and Cass and Saunders Counties may challenge those values.

F. Families First & Foremost (F³) Stakeholders - Steinman

Steinman said she does not attend meetings of this group.

G. Events Center/Building & Safety Meeting - Workman

Workman said it has been determined that some uses of the Event Center do not comply with fire codes. As a result, it will be necessary to partially encase steel posts in concrete and to spray the exposed portions with a fire retardant.

Campbell asked who is responsible for seeing that all codes are met.

Workman said he believes it is the architect.

Workman said the Lancaster County Agricultural Society's attorneys would like to see the zoning changed from Agricultural (AG) to Public Use (P), which would eliminate some of the parking lot, landscaping and sign size issues. He said discussion also took place on plans to construct Pavilion III, with a recommendation from the Building & Safety Department that the building be constructed for maximum use.

RETURNING TO ITEM 5

Norm Agena, County Assessor, appeared and said Burnett's metal fabrication shop has been valued as an incidental building for agricultural use. He said Burnett's attorney has been advised that the value for two of the parcel's acres will be changed to commercial for 1999, 2000 and 2001, rather than recapturing the entire parcel.

12 ADJOURNMENT

By direction of the Vice Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk